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## **An Act To Restore Longevity Pay**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation requires transfers of funds from accounts no later than June 30, 2010; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. PL 2009, c. 213, Pt. LL, §8** is amended to read:

**Sec. LL-8. Lapsed Personal Services balances; Legislature; Personal Services cost-saving measures.** Notwithstanding any other provision of law, ~~\$695,619~~\$651,129 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2009-10. In addition, ~~\$999,068~~\$953,429 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be available as a result of implementing Personal Services cost-saving measures determined by the Legislative Council.

**Sec. 2. PL 2009, c. 213, Pt. LL, §9** is amended to read:

**Sec. LL-9. Lapsed Personal Services balances; Law and Legislative Reference Library; Personal Services cost-saving measures.** Notwithstanding any other provision of law, ~~\$65,929~~\$61,395 of unencumbered balance forward in the Personal Services line category in the Law and Legislative Reference Library General Fund account in the Legislature lapses to the General Fund in fiscal year 2009-10. In addition, ~~\$87,849~~\$82,483 of unencumbered balance forward in the Personal Services line category in the Law and Legislative Reference Library General Fund account in the Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be available as a result of implementing Personal Services cost-saving measures determined by the Legislative Council.

**Sec. 3. PL 2009, c. 213, Pt. LL, §10** is amended to read:

**Sec. LL-10. Lapsed Personal Services balances; Office of Program Evaluation and Government Accountability; Personal Services cost-saving measures.** Notwithstanding any other provision of law, ~~\$56,208~~\$55,376 of unencumbered balance forward in the Personal Services line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2009-10. In addition, ~~\$81,045~~\$80,213 of unencumbered balance forward in the Personal Services line category in the Office

of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2010-11. These balances will be available as a result of implementing Personal Services cost-saving measures determined by the Legislative Council.

**Sec. 4. PL 2009, c. 213, Pt. RRR, §1** is amended to read:

**Sec. RRR-1. Transfer from Other Special Revenue Funds accounts.** The State Controller shall transfer to General Fund unappropriated surplus the following amounts from the departments and accounts listed based on available Personal Services line category allocations as a result of the savings initiatives in this Act:

1. From the Department of Agriculture, Food and Rural Resources, Maine Milk Commission, Other Special Revenue Funds account, ~~\$11,753~~\$10,193 no later than June 30, 2010 and ~~\$12,220~~\$10,660 no later than June 30, 2011;

2. From the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control, Other Special Revenue Funds account, ~~\$54,183~~\$46,792 no later than June 30, 2010 and ~~\$55,575~~\$48,127 no later than June 30, 2011;

3. From the Department of Audit, Statewide Single Audit - Set Aside, Other Special Revenue Funds account, ~~\$77,723~~\$74,811 no later than June 30, 2010 and ~~\$79,928~~\$76,999 no later than June 30, 2011;

4. From the Department of Conservation, ATV Recreational Management Fund, Other Special Revenue Funds account, ~~\$10,866~~\$9,826 no later than June 30, 2010 and ~~\$11,013~~\$9,973 no later than June 30, 2011;

5. From the Department of Conservation, Boating Facilities Fund, Other Special Revenue Funds account, ~~\$42,115~~\$37,071 no later than June 30, 2010 and ~~\$42,991~~\$37,583 no later than June 30, 2011;

6. From the Department of Conservation, Maine State Parks and Recreational Facilities Development Fund, Other Special Revenue Funds account, ~~\$22,763~~\$21,099 no later than June 30, 2010 and ~~\$23,548~~\$21,815 no later than June 30, 2011;

7. From the Department of Conservation, Snowmobile Trail Fund, Other Special Revenue Funds account, ~~\$19,124~~\$17,185 no later than June 30, 2010 and ~~\$19,493~~\$17,381 no later than June 30, 2011;

8. From the Department of Economic and Community Development, Tourism Marketing Promotion Fund, Other Special Revenue Funds account, ~~\$34,525~~\$33,693 no later than June 30, 2010 and ~~\$35,293~~\$34,461 no later than June 30, 2011;

9. From the Department of Environmental Protection, Maine Coastal and Inland Surface Oil Clean-up Fund, Other Special Revenue Funds account, ~~\$133,234~~\$116,731 no later than June 30, 2010 and ~~\$136,408~~\$119,231 no later than June 30, 2011;

10. From the Commission on Governmental Ethics and Election Practices, Maine Clean Election Fund, Other Special Revenue Funds account, \$18,942 no later than June 30, 2010 and \$21,933 no later than June 30, 2011;

11. From the Public Utilities Commission, Office of the Public Advocate, Public Advocate Regulatory Fund, Other Special Revenue Funds account, ~~\$56,924~~\$51,516 no later than June 30, 2010 and ~~\$57,780~~\$52,372 no later than June 30, 2011;

12. From the Executive Department, State Planning Office, State Planning Office Solid Waste Management Fund, Other Special Revenue Funds account, ~~\$22,532~~\$21,700 no later than June 30, 2010 and ~~\$23,161~~\$22,329 no later than June 30, 2011;

13. From the Maine Health Data Organization, Maine Health Data Organization, Other Special Revenue Funds account, ~~\$26,403~~\$22,503 no later than June 30, 2010 and ~~\$26,824~~\$22,872 no later than June 30, 2011;

14. From the Department of Marine Resources, Division of Community Resource Development program Shellfish Fund, Other Special Revenue Funds account, ~~\$12,553~~\$11,513 no later than June 30, 2010 and ~~\$13,109~~\$11,445 no later than June 30, 2011;

15. From the Department of Marine Resources, Lobster Management - Administration, Other Special Revenue Funds account, ~~\$15,235~~\$12,982 no later than June 30, 2010 and ~~\$15,795~~\$13,299 no later than June 30, 2011;

16. From the Department of Marine Resources, Lobster Management Fund, Other Special Revenue Funds account, \$20,145 no later than June 30, 2010 and \$20,721 no later than June 30, 2011;

17. From the Department of Marine Resources, Marine Fisheries Research and Development Fund, Other Special Revenue Funds account, ~~\$34,592~~\$33,864 no later than June 30, 2010 and ~~\$35,835~~\$35,055 no later than June 30, 2011;

18. From the Department of Marine Resources, Watercraft Fund, Other Special Revenue Funds account, ~~\$18,261~~\$17,637 no later than June 30, 2010 and ~~\$19,054~~\$18,430 no later than June 30, 2011;

19. From the Department of Professional and Financial Regulation, Administrative Services Division, Other Special Revenue Funds account, \$23,548 no later than June 30, 2010 and \$24,559 no later than June 30, 2011;

20. From the Department of Professional and Financial Regulation, Licensing and Enforcement Division, Other Special Revenue Funds account, ~~\$216,276~~\$195,181 no later than June 30, 2010 and ~~\$222,289~~\$199,391 no later than June 30, 2011;

21. From the Department of Professional and Financial Regulation, Board of Licensure in Medicine, Other Special Revenue Funds account, ~~\$43,991~~\$39,623 no later than June 30, 2010 and ~~\$45,205~~\$40,837 no later than June 30, 2011;

22. From the Department of Professional and Financial Regulation, Office of Securities, Other Special Revenue Funds account, ~~\$47,748~~\$45,356 no later than June 30, 2010 and ~~\$49,416~~\$47,024 no later than June 30, 2011;

23. From the Department of Professional and Financial Regulation, State Board of Nursing, Other Special Revenue Funds account, ~~\$31,934~~\$26,786 no later than June 30, 2010 and ~~\$32,902~~\$27,494 no later than June 30, 2011;

24. From the Department of Public Safety, Licensing and Enforcement - Public Safety program, Other Special Revenue Funds account, ~~\$33,359~~\$29,857 no later than June 30, 2010 and ~~\$34,241~~\$30,497 no later than June 30, 2011;

25. From the Department of Public Safety, Maine Criminal Justice Academy, Other Special Revenue Funds account, ~~\$40,144~~\$38,220 no later than June 30, 2010 and ~~\$41,063~~\$38,463 no later than June 30, 2011;

26. From the Public Utilities Commission, Conservation Administration Fund, Other Special Revenue Funds account, ~~\$43,802~~\$42,367 no later than June 30, 2010 and ~~\$46,073~~\$43,910 no later than June 30, 2011;

27. From the Public Utilities Commission, Emergency Services Communication Bureau, Other Special Revenue Funds account, ~~\$23,348~~\$21,559 no later than June 30, 2010 and ~~\$23,836~~\$21,995 no later than June 30, 2011;

28. From the Public Utilities Commission, Public Utilities Commission Regulatory Fund, Other Special Revenue Funds account, ~~\$297,759~~\$277,045 no later than June 30, 2010 and ~~\$311,195~~\$288,731 no later than June 30, 2011; and

29. From the Workers' Compensation Board, Workers' Compensation Board Administrative Fund, Other Special Revenue Funds account, ~~\$428,740~~\$380,380 no later than June 30, 2011.

**Sec. 5. PL 2009, c. 213, Pt. SSS, §4** is amended to read:

**Sec. SSS-4. Merit increases.** Notwithstanding the Maine Revised Statutes, Title 26, section 979-D or section 1285 or any other provision of law, any merit increase ~~or longevity payment~~, regardless of funding source, scheduled to be awarded or paid between July 1, 2009 and June 30, 2011 to any person employed by the departments and agencies within the executive and judicial branches, including the constitutional officers and the Department of Audit, may not be awarded, authorized or implemented. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

**Sec. 6. PL 2009, c. 213, Pt. SSS, §5** is amended to read:

**Sec. SSS-5. Personal Services adjustments for the 2010-2011 biennium; legislative branch.** Notwithstanding the State Employees Labor Relations Act or any other provision of law, the Personal Services expenditures for the legislative branch must be adjusted to achieve Personal Services savings in a manner determined by the Legislative Council including implementation of office closures and suspension of merit or step increases ~~and longevity stipends~~ for the 2010-2011 biennium.

**Sec. 7. PL 2009, c. 213, Pt. SSS, §7** is amended to read:

**Sec. SSS-7. Calculation and transfer.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 8 of this Part that applies against each General Fund account for all departments and agencies from savings associated with eliminating merit pay increases and eliminating and restoring longevity payments and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2009-10 and fiscal year 2010-11. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2009.

**Sec. 8. PL 2009, c. 413, Pt. S, §1** is amended to read:

**Sec. S-1. Calculation and transfer; longevity payment savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in section 2 of this Part that applies against each Highway Fund account for all departments and agencies from savings associated with ~~implementation of Public Law 2009, chapter 213, Part SSS, section 4~~eliminating and restoring longevity payments and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Allocates funds to restore longevity payments.

<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$430,656	\$450,450
<b>HIGHWAY FUND TOTAL</b>	<b>\$430,656</b>	<b>\$450,450</b>

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Appropriates funds to restore longevity payments.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$1,685,067	\$1,738,792
<b>GENERAL FUND TOTAL</b>	<b>\$1,685,067</b>	<b>\$1,738,792</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
 DEPARTMENT OF  
 DEPARTMENT TOTALS**

	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$1,685,067</b>	<b>\$1,738,792</b>
<b>HIGHWAY FUND</b>	<b>\$430,656</b>	<b>\$450,450</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,115,723</b>	<b>\$2,189,242</b>

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Appropriates funds to restore longevity payments.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$334,293	\$342,746
<b>GENERAL FUND TOTAL</b>	<b>\$334,293</b>	<b>\$342,746</b>
<b>JUDICIAL DEPARTMENT</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
GENERAL FUND	\$334,293	\$342,746
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$334,293</b>	<b>\$342,746</b>
<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
GENERAL FUND	\$2,019,360	\$2,081,538
HIGHWAY FUND	\$430,656	\$450,450
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$2,450,016</b>	<b>\$2,531,988</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

## SUMMARY

This bill restores funding for longevity payments to state, judicial and legislative employees.